

Summary
Solid Waste Management Board
Indiana Government South, Conference Center Room A
Public Entrance at 302 West Washington Street, Indianapolis, Indiana
1:30 p.m., EDT
April 17, 2012

1. CALL TO ORDER

The meeting was called to order by Chairperson William Graham at 1:33 p.m. A quorum was present. Mayor Graham asked the board members to introduce themselves.

Members present: Mayor William Graham, Rick Dyar, Tom Barnett, Chuck Himes, Marlin Chambers, Jim Murray, Ted Niemiec, M.D., Jason Ward, William Etzler, Pam Fisher, Dale Gick, Tristan Vance, Mike Mettler, and Deborah Albright, Legal Counsel.

Present for IDEM: Bruce Palin, Assistant Commissioner, Office of Land Quality (OLQ), Peggy Dorsey, Deputy Assistant Commissioner, OLQ, Nancy King, Chief, Rules Development Branch, Office of Legal Counsel (OLC), Ann Long, Attorney, OLC, Michael Dalton, OLC, Kiran Verma, OLC, Dan Watts, OLC, Craig Schroer, OLQ, and Roy Harbert, OLQ.

2. APPROVAL OF SUMMARY

Mayor Graham asked if there were any changes or corrections to the meeting summary of the February 21, 2012, meeting. A motion was made and seconded to approve the meeting summary. The board voted unanimously to approve the February 21, 2012, meeting summary without change.

3. REPORTS

Mr. Bruce Palin explained environmental bills that passed in the 2012 legislature.

- A. Senate Enrolled Act (SEA) 133**—allows the Commissioner to issue a temporary order to red tag non-compliant underground storage tanks.
- B. SEA 131**—one of the provisions was waste tire requirements –minor changes were made to passenger tire equivalents and waste tire transporters. This bill eliminates the need for licensing individual vehicles that haul septage. A requirement was added for IDEM to produce an annual report on the state of the environment which will encompass different programs. There is a requirement that IDEM work with the solid waste districts to develop a standardized educational curriculum; also IDEM will work with the districts to help them develop additional information to be included in their annual report which they submit to the Local Government Finance Department; and a requirement under the responsible party transfer law.
- C. House Enrolled Act (HEA) 1280**—removes a requirement of notification of decision by mail delivery and allows electronic notices of decision to be made.
- D. HEA 1002**—eliminates boards and in IDEM's case, it will combine Air, Solid Waste and Water Boards effective January 1, 2013. Mr. Palin stated that the Governor's Office would be notifying each current board member of all the current boards of the change and providing the opportunity to convey an interest in serving on the combined Board after January 1, 2013.

4. RULE ACTIONS

LSA #10-66 New Rules at 329 IAC 9-9, Underground Storage Tank Operator Training Requirements
Mayor Graham announced the public hearing to consider preliminary adoption of LSA #10-66, new rules at 329 IAC 9-9, Underground Storage Tank Operator Training Requirements. He introduced Exhibit A, the draft rule, into the record of hearing. He asked Ms. Kiran Verma to present the rule.

Ms. Verma explained that this rulemaking is concerning the training of persons who operate underground storage tank (UST) systems. She stated that on August 8, 2007, the Environmental Protection Agency (EPA) published operator training guidelines in the Federal Register for states that receive UST funds from the EPA. To comply with the federal mandate, IDEM is proposing new rules for UST system operator training at 329 IAC 9-9. Ms. Verma said that when Indiana has met the requirements for an operator training and certification program, the state would submit a certificate to EPA indicating the state meets the requirements in the EPA guidelines. The deadline is August 8, 2012. SEA 347, enacted in 2011, requires that IDEM provide on-line training that complies with the federal training. Ms. Verma said that IDEM recommends that the Board preliminarily adopt the rule as presented in Exhibit A.

Mayor Graham asked if there were any commentors to speak; there were none. He concluded the hearing, and there was a board discussion. The discussion included clarification of the definition of "facility." Ms. Verma deferred to IDEM technical staff. Mr. Palin explained what constitutes a facility as it relates to training. Further questions arose regarding the difference between Class A, B, and C operators. Ms. Ann Long, Attorney, Office of Legal Counsel (OLC), further explained that a Class A or Class B operator could work in more than one facility. She said under the rule, the Class C operator should be an on-site employee who primarily has the daily responsibility of responding to emergencies. Mr. Barnett asked about the differences of training between the Class A, B, and C operators. Mr. Craig Schroer, Chief, Underground Storage Tanks Branch, OLQ, explained on-line training for Class A, B, and C operators. He also said the Class A and B operators don't have to be in attendance at a fueling facility—either a Class C has to be there or that the truck drivers could be trained as Class C operators. He stated that unmanned facilities or unattended retail outlets are not required to have C operators, but emergency information needs to be posted. Ms. Long and Mr. Schroer agreed that rule language clarification by IDEM is needed before final adoption. Additional questions were raised by the board regarding "attended facility" vs. "unattended facility", "on-line training", and "drivers' certification." Ms. Long referred to Section 9-9-3 (a), General Provisions and Transition. Mr. Schroer explained accessing the on-line training website and also described how IDEM makes the determination of a "facility." Mr. Palin stated that there is a reference to the definitions in 329 IAC 9-1.

Mayor Graham concluded the hearing. He asked for a motion to preliminarily adopt the rule. Mr. Etzler made a motion to preliminarily adopt the rule and Mr. Ward seconded. With a roll call vote, the Board voted unanimously to adopt the proposed rule.

5. OPEN FORUM

Chairman Graham asked if anyone from the public wanted to speak on topics of interest or potential rulemakings. There were no commentors.

6. ADJOURNMENT

The next meeting is tentatively scheduled for 1:30 p.m. E.D.T. on Tuesday, May 15, 2012, at the Indiana Government Center South Conference Room A. Mayor Graham adjourned the meeting at 2:26 p.m.

CHAIRPERSON

A court reporter recorded this meeting. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management. **To view approved minutes, you may go online to <http://www.in.gov/idem/4709.htm>.**